ORDINANCE NO. 98-34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT **98-SCA 110 COM 2 (BURDINES)**;MODIFYING FUTURE LAND USE ATLAS PAGE 110 BY CHANGING A 2.61 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF GLADES ROAD, APPROXIMATELY 1,500 FEET WEST OF LYONS ROAD, FROM COMMERCIAL LOW OFFICE, WITH AN UNDERLYING MEDIUM RESIDENTIAL 5 (CL-O/5) TO COMMERCIAL LOW WITH AN UNDERLYING MEDIUM RESIDENTIAL 5 (CL/5) AND AMENDING ORDINANCE 94-35 BY DELETING A PORTION OF THE ORDINANCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on July 24, 1998, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach

County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 27, 1998, to review the recommendation of the Local Planning Agency; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

Part I. Amendment to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this ordinance:

A. Future Land Use Atlas page 110 is amended as follows:

Application No.:	**98 - SCA 110 COM 2 (BURDINES)**
Amendment:	From Commercial Low Office, with an underlying Medium Residential 5 (CL-O/5) to Commercial Low with an underlying Medium Residential 5 (CL/5).
General Location:	North side of Glades Road, approximately 1,500 feet west of Lyons Road.
Size:	2.61 acres

B. Amending Ordinance 94-35 by deleting the portion of the Ordinance which states, "that ingress and egress to the property from Glades Road be limited to the CL-O/2 portion of the property and prohibited from the CL/2 portion of the property."

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27 day of August, 1998.

ATTEST:
DOROTHY H. WILKEN

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 1st day of SEPTEMBER, 1998.

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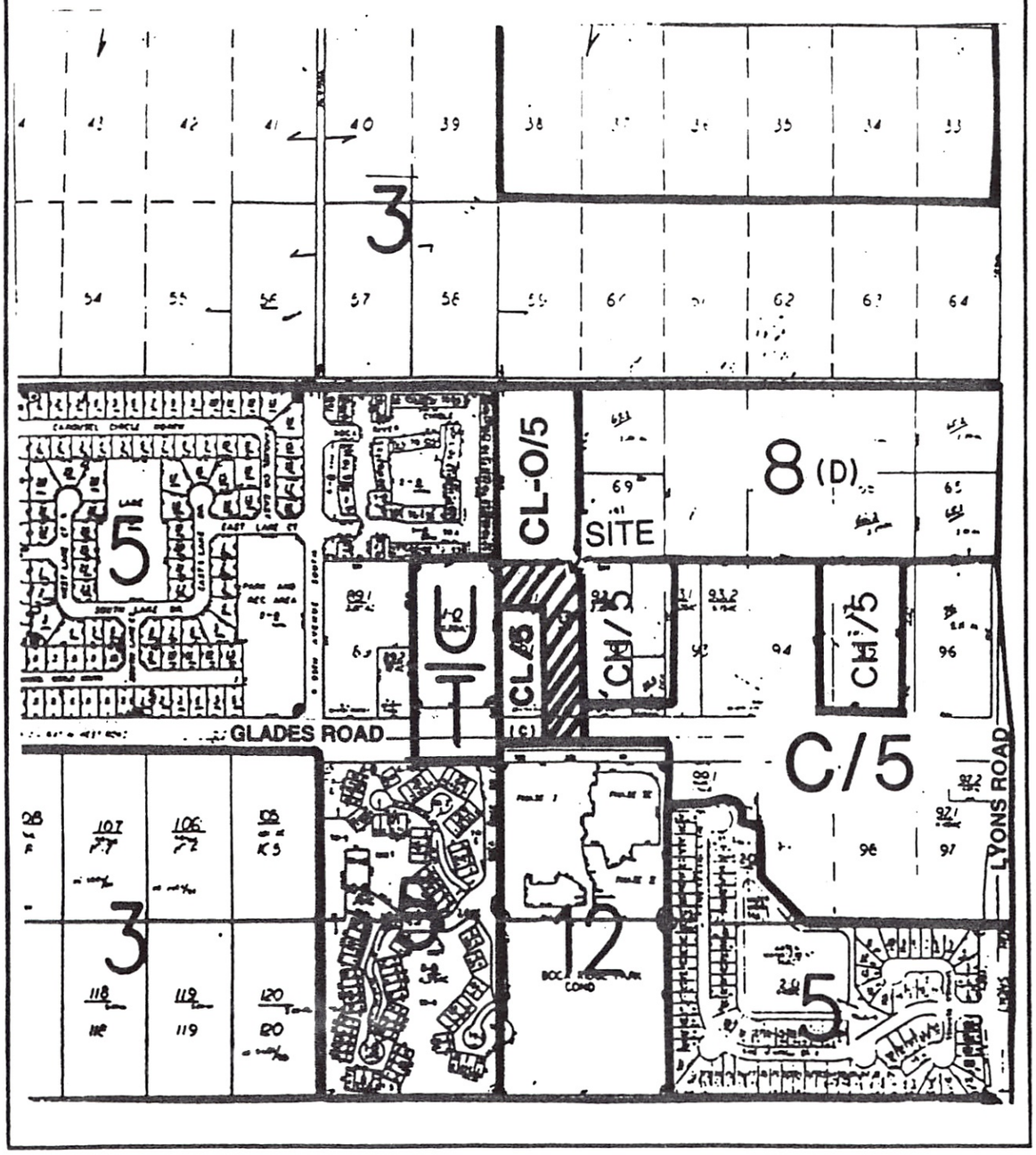
Future Land Use Atlas page 110 is amended as follows:

Amendment No.:	98-SCA 110 COM 2 (BURDINES)
Location:	North side of Glades Road, approximately 1,500 feet west of Lyons Road
Size:	**2.61 acres**
Existing FLU:	Commercial Low Office, with an underlying Medium Residential 5 (CL-O/5)
Proposed FLU:	Commercial Low with an underlying Medium Residential 5 (CL/5)
Property No.:	00-42-43-27-05-077-0700 (a portion of a 9.2 acre parcel)
Legal Description:	See attached

Site is shown with crosshatching below



Legal Description:

TRACT 70, LESS THE NORTH 39.6 FEET THEREOF, BLOCK 77 AND TRACT 91, LESS 65 FEET OF ROAD RIGHT-OF-WAY, BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-55, OF THE PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, CONTAINING 9.2076 ACRES MORE OR LESS, AND SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, AND RESERVATIONS OF RECORD.

LEGAL DESCRIPTION OF PORTION SUBJECT TO THE CHANGE TO CL:
A PORTION OF TRACT 91 BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, A PLAT OF WHICH IS ON FILE IN PLAT BOOK 2 AT PAGES 45-54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE AFORESAID TRACT 91 SAID POINT LYING 15 FEET NORTH OF THE CENTERLINE OF STATE ROAD 808 A.K.A. GLADES ROAD; THENCE RUN NORTH 00°02' 47" WEST ALONG THE WESTERLY BOUNDARY OF SAID TRACT 91, AN ASSUMED BEARING, 65.00 FEET TO A POINT IN THE EXISTING NORTHERLY RIGHT-OF-WAY OF STATE ROAD 808; THENCE CONTINUE ALONG THE PREVIOUS COURSE, NORTH 00°02' 47" WEST, 413.23 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG THE WESTERLY BOUNDARY NORTH 00°02'47" WEST, 181.77 FEET TO THE NORTHWEST CORNER OF SAID TRACT 91; THENCE RUN NORTH 89°57' 40" EAST, ALONG THE COMMON BOUNDARY LINE BETWEEN TRACTS 70 AND 91, 330.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 91; THENCE RUN SOUTH 00°02' 47" EAST, ALONG THE EASTERLY BOUNDARY OF TRACT 91; 595.00 FEET TO A POINT LYING IN THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 808; THENCE SOUTH 89°57' 40" WEST, ALONG SAID NORTH LINE, 130.00 FEET TO A POINT; THENCE LEAVING SAID NORTH LINE RUN NORTH 00°02' 47 WEST, PARALLEL WITH BUT 200 FEET EAST OF THE AFOREMENTIONED WESTERLY BOUNDARY OF SAID TRACT 91, 413.23 FEET TO A POINT; THENCE SOUTH 89°57' 40" WEST, 200.00 FEET TO POINT IN THE WESTERLY BOUNDARY OF TRACT 91 AND THE POINT OF BEGINNING.

CONTAINING 113,704 SQUARE FEET, MORE OR LESS.